

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013120887

v.

STOCKTON UNIFIED SCHOOL DISTRICT,

STOCKTON UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2013110624

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On November 18, 2013, Stockton Unified School District (District), filed a request for due process hearing in Office of Administrative Hearings (OAH) case number 2013110624 (First Case), naming Student. On December 18, 2013, the District filed a motion to amend the first case which was granted on December 24, 2013.

On December 20, 2013, Student filed his own complaint in OAH case number 2013120887 (Second Case), naming the District. On the same date Student filed a motion to consolidate the first case with the second case. On December 24, 2013, the District filed a non-opposition to the motion to consolidate.

APPLICABLE LAW

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact, specifically, the appropriate placement for Student that will meet his unique needs and provide him with educational benefit. The District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses and documentary evidence would be produced in both cases. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013110624 (First Case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2013120887 (Second Case).

Dated: December 31, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings